

**R.D. # 0003-05  
Colts Neck, NJ**

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**MEYERS INVESTIGATIVE  
AND SECURITY SERVICES, INC.<sup>1</sup>**  
Employer

and

**CASE 22-RC-12560**

**UNITED GOVERNMENT SECURITY  
OFFICERS OF AMERICA, LOCAL 407<sup>2</sup>**  
Petitioner

**DECISION AND DIRECTION OF ELECTION**

**I. INTRODUCTION**

The Petitioner seeks to represent a unit of about 65 armed and unarmed security guards employed by the Employer at the Colts Neck, New Jersey facility operated by United States Naval Weapons Station EARLE, excluding all office clerical employees, professional employees and supervisors as defined by the Act.

The Employer, despite proper notice, failed to appear at the hearing held in this matter on February 2 and February 22, 2005.

Based on the following facts and analysis, I find appropriate the unit sought by the Petitioner.

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<sup>1</sup> The Employer's name appears as reflected by record evidence.

<sup>2</sup> The name of the Petitioner appears as corrected at the hearing.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding,<sup>3</sup> the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.<sup>4</sup>
3. The labor organization involved claims to represent certain employees of the Employer.<sup>5</sup>
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act.

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<sup>3</sup> I note the Board's Rules specifically provide that the Regional Director may proceed to issue a decision "forthwith upon the record" without waiting for the parties to file briefs. See Sec.102.67(a) of the Board's Rules; *E.L. Gardner, A Division of Bardon, Inc.*, 5-RC-15041, Board Order dated July 20, 2000. Accordingly, as the Employer has not appeared at the hearing, I am issuing this decision upon the record.

<sup>4</sup> The record reveals that the Employer is a North Carolina corporation engaged in the business of providing security services, including the facility operated by United States Naval Weapons Station EARLE in Colts Neck, New Jersey, the only location involved herein. The record further reveals that the Employer, during all relevant times herein, has provided services valued in excess of \$50,000 to the United States Government at various facilities located throughout the United States. *Siemons Mailing Service*, 122 NLRB 81 (1959); *Ready Mixed Concrete & Materials*, 122 NLRB 318 (1959); *Disposal Service*, 191 NLRB 104 (1971).

<sup>5</sup> It is undisputed that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act. *Ana Colon, Inc.* 266 NLRB 611, 612 (1983); *Alto Plastics Manufacturing Corp.*, 136 NLRB 850 (1962). Further, there is no contention or evidence that the Petitioner is precluded from seeking certification because of the provisions of Section 9(b)(3) of the Act which precludes the Board from certifying a labor organization "as the representative of employees in a collective bargaining unit of guards, if such organization admits to membership, or is affiliated directly or indirectly with an organization which admits to membership, employees other than guards."

5. The appropriate unit for the purpose of collective bargaining within the meaning of Section 9(b) of the Act is as follows:

**All security guards employed by the Employer at the Colts Neck, New Jersey, United States Naval Weapons Station EARLE facility, excluding all office clerical employees, professional employees and supervisors as defined in the Act**

## **II. Facts**

### **1. The Employer's Operations**

The Employer provides, *inter alia*, around the clock security services to the United States Government including a United States Naval Weapons Station EARLE facility located in Colts Neck, New Jersey. It employs approximately 77 employees at that location, including 65 security guards, the unit of employees the Petitioner seeks to represent. The Petitioner seeks to exclude all office clerical employees, professional employees and supervisors. These supervisors include Major David Wianecki, the Employer's project Manager and chief site manager as well as approximately 10 shift supervisors who possess the rank of sergeant or lieutenant.

### **2. The Employees In Question**

As noted above, the Petitioner seeks to represent all of the Employer's security guards employed at the Colts Neck, New Jersey facility. The record discloses that these security guards include armed, unarmed and dispatch security personnel. Armed security guards wear protective vests and carry 9mm guns. Unarmed security guards are stationed at entry and exit posts where they check IDs and monitor vehicles. Dispatch security personnel usually work indoors, monitoring security cameras in areas where weapons and

explosives are stored and monitor entry and exit from these high security areas. They all wear identical uniforms, receive the same or similar hourly wage rates, share the same benefits package and medical benefits and utilize identical sign in and out procedures. All security guards report to shift supervisors and have the ability to bid on job vacancies. The record reveals that there is frequent daily work related contact among the unit employees sought.

Based on the above and the record as a whole, I find that the unit sought is appropriate and I shall direct an election therein.

### **III. DIRECTION OF ELECTION**

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notices of election to be issued subsequently subject to the Board's Rules and Regulations. Eligible to vote in the election are those in the unit who were employed during the payroll period ending immediately before the date of this Decision, including employees who did not work during that period because they were ill, on vacation or temporarily laid off. Employees engaged in an economic strike who have retained their status as strikers and have not been permanently replaced are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike that have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause

since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced. Those eligible to vote shall vote whether or not they desire to be represented for collective bargaining purposes by **United Government Security Officers of America, Local 407**.

#### **IV. LIST OF VOTERS**

In order to ensure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties in the election should have access to a list of voters and their addresses, which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision, two (2) copies of an election eligibility list containing the full names and addresses of all the eligible voters in the unit found appropriate above shall be filed by the Employer with the undersigned, who shall make the list available to all parties to the election. *North Macon Health Care Facility*, 315 NLRB 359 (1994). In order to be timely filed, such list must be received in NLRB Region 22, 20 Washington Place, Fifth Floor, Newark, New Jersey 07102 on or before **March 8, 2005**. No extension of time to file this list shall be granted except in extraordinary circumstances nor shall the filing of a request for review operate to stay the requirement here imposed.

#### **V. RIGHT TO REQUEST REVIEW**

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board,

addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570-0001. The Board in Washington must receive this request by **March 15, 2005**.

Signed at Newark, New Jersey this 1<sup>st</sup> day of March 2005.

/s/Gary T. Kendellen

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Gary T. Kendellen, Regional Director  
NLRB Region 22  
20 Washington Place, Fifth Floor  
Newark, New Jersey 07102